



# The Commonwealth of Massachusetts

AO-4

## Office of Campaign & Political Finance

Dennis J. Duffin  
*Director*

One Ashburton Place, Room 1005 Boston, MA 02108  
727-8352

July 23, 1982

sections

4.7.8

Ms. Anne Pokaski  
Treasurer  
Pokaski for Clerk  
5 Fox Street  
Boston, MA 02122

Dear Ms. Pokaski:

Thank you very much for your letter of July 20, 1982 inquiring about the legality of the Pokaski for Clerk political committee receiving a \$1,000 contribution from the committee of a Congressional Candidate.

While, as you point out in your letter, M.G.L. c. 55, section 4, states that United States Congressional Candidates shall not be subject to the provisions of Chapter 55 in so far as they may conflict with federal law, The Pokaski for Clerk Committee is a political committee organized on behalf of a candidate for Clerk of the Superior Court, Suffolk County, and as such is organized under and subject to any and all provisions of M.G.L. c. 55.

M.G.L. c. 55, section 7, states, in part, "No person or combination of persons...shall in connection with any nomination or election receive money or its equivalent, expend or disburse or promise to expend or disburse the same, except as authorized by this chapter. A political committee or a person acting under the authority or on behalf of such a committee may receive money or its equivalent, or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election ...and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof."

In my opinion, the absence of an authority in Chapter 55 to perform an action in the area of political fund-raising and expending must be interpreted to mean that the authority does not exist, and such an action is not permitted. My interpretation is further supported by the Supreme Judicial Court, when it stated in the case of Anderson v. City of Boston, Mass. Adv. Sh. 2297 (1978) that "We interpret G.L. c. 55 as intended to reach all political fund raising and expenditures within the Commonwealth." In this case, the Supreme Judicial Court reasoned that if there was no specific language in Chapter 55 authorizing a particular campaign finance activity, the activity was not contemplated by the legislature, and therefore not authorized. Since there is no language permitting Massachusetts candidates political committees to receive contributions from federally organized committees in Chapter 55, this activity was not contemplated, and is not permitted.

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In addition, M.G.L. c. 55, sections 7 and 8 specifically prohibits political committees on behalf of candidates from receiving contributions, either directly or indirectly, from corporations and certain other entities. Because, a federally organized committee can receive certain such contributions, a contribution to you from that committee results in an indirect contribution from a prohibited source under M.G.L. c. 55.

For the foregoing reasons, I conclude that the Pokaski for Clerk Committee cannot accept any contribution in any amount from a political committee organized pursuant to the Federal Election Campaign Act. It is my opinion that the sum received should be immediately returned to the contributor out of your depository account.

Very truly yours,

  
Dennis J. Duffin  
Director

DJD/rep